

MESSAGE NO: 2313303

MESSAGE DATE: 11/08/2012

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 09/07/2010

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Countervailing duty scope determination on aluminum extrusions from the People's Republic of China (PRC) (C-570-968)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from A.O. Smith Corporation ("A.O. Smith"). Commerce issued a final scope determination on 10/17/2012 that aluminum anodes for water heaters ("water heater anodes") described in A.O. Smith's request are not within the scope of the countervailing duty order on aluminum extrusions from the PRC (C-570-968).
2. Commerce determined that water heater anodes, which are rods made of aluminum alloy formed around a stainless steel or carbon steel core with a steel cap, are outside the scope of the order because at the time of entry the components of a water heater anode are permanently assembled, completed and ready for use as an aluminum anode without further finishing or fabrication for assembly, and thus meet the finished merchandise exclusion contained in the order. Therefore, water heater anodes are not within the scope of the countervailing duty order on aluminum extrusions from the PRC.
3. For all entries of water heater anodes not within scope that remain unliquidated on or after 9/7/2010, CBP shall terminate suspension and liquidate entries of product not within scope which were entered, or withdrawn from warehouse, for consumption.
4. Refund any cash deposits and release any bonds relating to the water heater anodes described above.
5. These instructions constitute notice of the lifting of suspension of liquidation of entries of water heater anodes entered, or withdrawn from warehouse, for consumption on or after 9/7/2010.
6. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the

required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties are required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Unless instructed otherwise, for all other shipments of water heater anodes from the PRC not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8:PS).

9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party